

## **REMARKS**

In response to the Office Action mailed on August 22, 2007, Applicant respectfully requests reconsideration of all rejections in the outstanding Office Action in view of the foregoing amendments and following remarks. Claims 1-2, 19-37 are currently pending.

### **I. Amendment to Specification**

The Office Action objects to the specification for failing to include a heading of "Detailed Description of the Invention." To address the objections of the Examiner, the heading "Detailed Description of the Invention" has been added between paragraphs [0200] and [0201] as suggested by the Examiner. Numerous amendments have been made to the specifications.

A superfluous "Summary of Invention" heading between paragraphs [0009] and [0010] has been deleted. No new matter is added. Amendments made to paragraphs [0001], [0282] and [0323] were made to update patent application numbers to now reflect their issued patent numbers. No new matter is added.

Amendments made to paragraphs [0011], [0016], [0206], [0213], [0214], [0217], [0218], [0221], [0223], [0239], [0246], [0251], [0293], [0364], [0365], [0366], [0377], [0397], [0398], [0399], [0400], [0480], [0553], [0625], [0631], [0635], [0648], [0650], [0655], [0657], and [0674], were made to correct minor typographical and grammatical errors. No new matter is added.

An amendment is made to paragraph [0688] to remove an inadvertently included sentence. Clear reading of the specification shows that the inclusion of the removed sentence does not belong in this specification. No new matter is added.

As no new matter has been added by way of any of these amendments. Applicant respectfully requests that the amendments to the specification be entered and that the Examiner withdraw is objection to the specification.

### **II. Cancelled Claims**

Applicant has cancelled claims 3-18 without prejudice and reserves the right to pursue the claims in a subsequent continuation application. The cancellation of these claims should not

be construed as any agreement to the Examiner's rejection of said claims. The Applicant reserves the right to challenge the Examiner's rejection of these claims should the Applicant choose to pursue the subject matter in a future continuation application.

### **III. Claim Objections**

The Office Action objects to claims 1 and 3 for a number of informalities. Applicant has amended claim 1 as suggested by Examiner and changed the period at the end of element (c) to a semicolon. Since Applicant has cancelled claim 3, the objection is moot. Applicant respectfully requests Examiner withdraw his objections

### **IV. Rejections Under 35 U.S.C. §112**

The Office Action rejects claims 1, 2 and 18 under 35 U.S.C. §112 paragraph 2 as allegedly being indefinite. Applicant has cancelled claim 18 rendering the rejection of claim 18 moot. Applicant has amended claims 1 and 2 to more particularly point out and distinctly claim the subject matter which Application regards as his invention. In particular claim 1 has been amended as the Examiner suggested. In addition an amendment was made to element (k) of claim 1 to place it in proper form. Claim 2 antecedent basis is provided by indicating that the new hardware **further** comprises new external ports. Applicant submits that the amendments place claims 1 and in condition for allowance. No new matter is introduced by these amendments.

### **V. Double Patenting Rejection**

The Office Action rejects claims 1 and 2 on the grounds of nonstatutory obviousness-type double patenting over claims 1-4 of U.S. Patent No. 7,123,612 ('612 hereafter). The Examiner alleges claims 1 and 2 are non-patentably indistinct from claims 1-4 of '612. Applicant disagrees and traverses this rejection for the reasons stated below.

While the Examiner is correct that the two claims sets share common elements, not every element in claim 1 of the present application is present in the claims of '612. In particular element d) calls for the "selecting of an *open port* of the plurality of internal ports that is not coupled to a connection." Whereas claim 2 of '612 implicitly selects "a selected port," "wherein the selected port is any port having a corresponding port of a corresponding router and is not

connected to said corresponding port". While similar in nature, the limitation of claim 2 of '612 allows for the selection of "a selected port" that is already connected to some other port just not the corresponding port. However, the selection of a port already connected is prohibited by element (d) in claim 1 of the present application, because the port selected by element (d) states that the "open port" is not coupled to a connection. Therefore, Applicant submits claim 1 is patentable distinct from claims 1-4 of '612.

As the claim 2 inherits all the limitations of claim 1, Applicant submits claim 2 is also patentable distinct from claims 1-4 of '612. As both claims are patentable distinct from claims 1-4 of '612, Applicant respectfully requests the Examiner withdraw his rejection and allow the claims.

#### **VI. Rejections Under 35 U.S.C. §102 & §103**

The Office Action rejects claims 3, 4, 7-12, 17 and 18 under 35 U.S.C. §102(b) as allegedly being anticipated by *Huang* (U.S. Patent No. 5,841,775). The Office Action rejects claims 5, 6, 13 and 14 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Huang* in view of *Cutaia, et. al* (U.S. Patent Publication No. 2002/0004390). The Office Action rejects claims 15, and 16 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Huang* in view of *Stanescu* (U.S. Patent No. 6,784,802).

Applicant has cancelled claims 3-18 rendering the rejection to claims 3-18 moot. Applicant respectfully requests the Examiner withdraw his rejection of these claims.

#### **VII. New Claims**

Applicant has added claims 19-37. No new matter is introduced by these claims. Claims 19-20 are dependent on claim 1 which Applicant submits is allowable. Applicant submits independent claim 21 and independent claim 36 along with claims 22-35 and claim 37 which are dependent on said independent claims are allowable over the art of record. Applicant respectfully requests the Examiner allow new claims 19-37.

**VIII. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known for the particular and specific reasons that the claimed combinations are too complex to support such conclusions and because the Office Action does not include specific findings predicated on sound technical and scientific reasoning to support such conclusions.

CONCLUSION

In light of the foregoing amendments and for at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-2, 19-37 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned at (858) 382-7513, for example, if any issues remain regarding the obviousness-type double patenting.

Currently, there are 21 total claims and 3 independent claims pending so a fee for claims in excess claim of 20 is believed due. The fee is submitted herewith electronically accompanying this transmission.

Because the due date of the Office action with a one month extension, that is four months from the mailing date of the Office Action, falls on a Saturday, it is believed that under 37 CFR §1.7(a) and that according to the USPTO's official notice that Monday, December 24, 2007 and Tuesday, December 25, 2007 be taken as a holiday within the District of Columbia, this response being transmitted on the following Wednesday properly lies within the one month extension period and accordingly a fee for a one month extension is believed due. Accordingly, an extension fee is submitted herewith electronically accompanying this transmission. In the event, the fees paid are deficient, please contact Applicant immediately.

Respectfully submitted,

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